

PLANNING BOARD RESOLUTION 2011-038

A VARIANCE APPROVAL FOR, BUILDING COVERAGE REQUIREMENTS FOR A SCREENED PORCH ADDITION FOR PROPERTY LOCATED AT 1621 BAHAMA STREET (RE NUMBER 00070230-000000) IN THE SF SPECIAL ZONING DISTRICT PER SECTION 122-238 (4) a. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA

WHEREAS, Section 122-238 (4) a. of the Code of Ordinances provides that the maximum dimensional requirements for building coverage is 30% in the single-family special zoning district; and

WHEREAS, the applicant requested variances to building coverage (39%) for a screened porch addition to a single family structure, and;

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 21, 2011; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and



Chairman



Planning Director

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands,

 Chairman
 Planning Director

structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

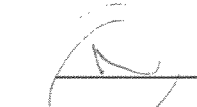

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. A variance approval for building coverage for a screened porch addition to a structure located at 1621 Bahama Drive (RE Number 00070230-000000) in the SF Special zoning district per Section 122-238 (4) a. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown on the attached plan set dated March 17, 2011, with the following conditions:

Section 3. It is a condition of this variance that full, complete, and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that

 Chairman
 Planning Director

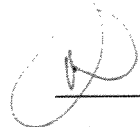

no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this variance in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate this variance, which variances shall be of no force or effect.

Section 5. These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not

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 Planning Director

effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 21st day of July, 2011

Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Planning Board Chairman

7/28/11

Date

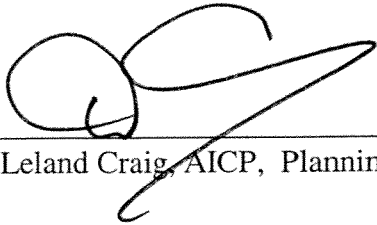
Attest:



Chairman



Planning Director



Donald Leland Craig, AICP, Planning Director

7/25/11

Date


Filed with the Clerk:



Cheryl Smith, City Clerk

7/25/11

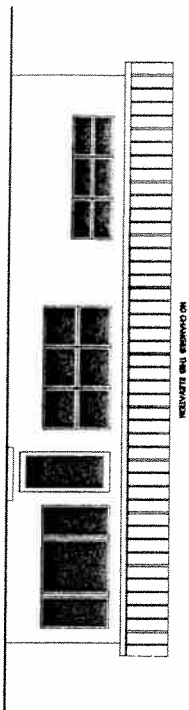
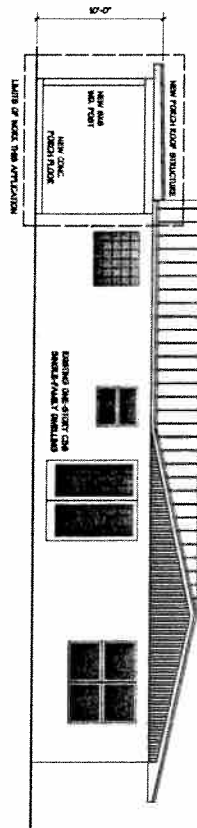
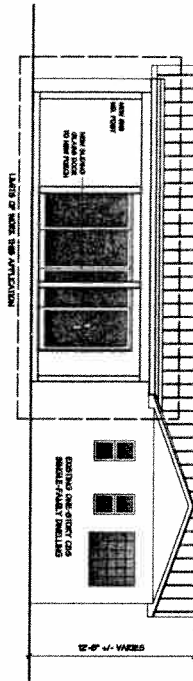
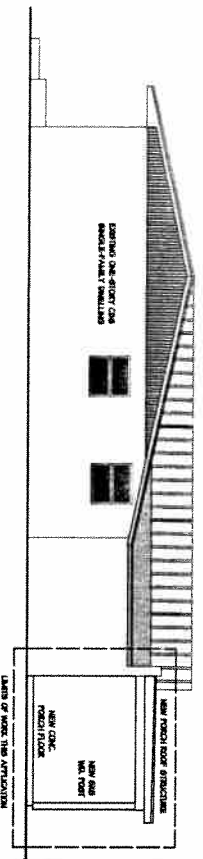
Date



Chairman

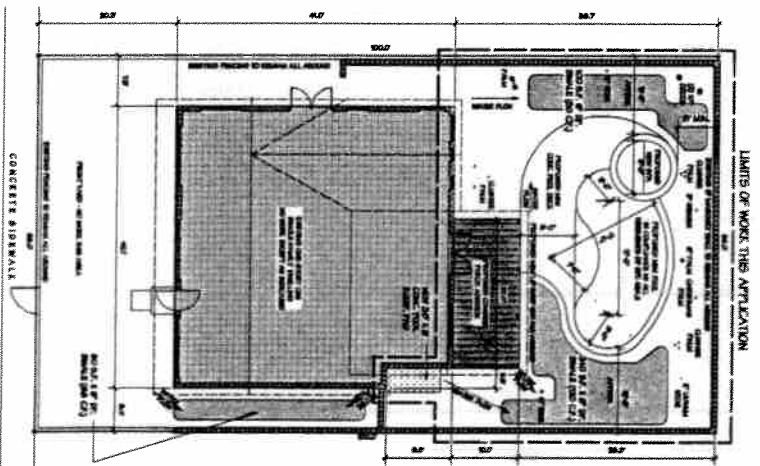


Planning Director



GENERAL VIEW OF EIGHT REAR YARD

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THE PLAN BASED ON SURVEY BY KECCE & WHITE LAND SURVEYING INC., DATED 10/20/2011.

OTHER RELEVANT CALCULATIONS

INTERFERENCE WITH CONSCIENCE: 20729-84F, 1 case; 1 "BRAINWASH."

2000 G.F. INTERIOR COVERS: 14 IN. HIGH OF KRAFTAL = 225 G.F. REED SHALL YIELD
ONE SET FLAT FOR SMALL COMPOSITIONS AND REQUIRED SET DRAINAGE PATTERNS.

NOTE: NO TRENDS ARE YET BEING OBSERVED IN THE FREQUENCY AREA



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of
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Robert L. Delaune, Architect, p.a.
619 Eaton Street, Suite 1, Key West, FL 33040
ph/fax: (305) 293-0364 FL Lic. #AA0003594

renovations & additions to
1621 BAHAMA DRIVE
KEY WEST, FLORIDA